

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL JERIMIAH SIMMS,

Plaintiff,

v.

STEPHEN SINCLAIR, et al.,

Defendants.

CASE NO. C19-5323RBL

ORDER

THIS MATTER is before the Court on Magistrate Judge Creatura's Report and Recommendation [Dkt. # 49]. Plaintiff Simms has Objected [Dkt. # 50] to the R&R and the State Defendants have Responded [Dkt. #51]. Simms's Motion to Strike (in his Reply, Dkt. # 52) is **DENIED**.

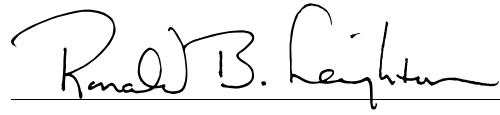
1. The Report and Recommendation is **ADOPTED**;
2. Defendants Motion for Judgment on the Pleadings [Dkt. # 39] is **GRANTED**.
3. Simms's claims are **DISMISSED** *with* prejudice, *except* that his Equal Protection and Due Process claims against the defendants in their individual capacities are dismissed *without* prejudice, and his state law claims against those defendants are dismissed *without* prejudice.

1 4. For the reasons articulated in the R&R, Simms' *in forma pauperis* status is **REVOKED**  
2 for purposes of any appeal; and

3 5. The Clerk shall send copies of this Order to the Simms's last known address and to  
4 Magistrate Judge Creatura.

5 IT IS SO ORDERED.

6 Dated this 18th day of February, 2020.

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9 Ronald B. Leighton  
10 United States District Judge  
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